

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TAKEDA PHARMACEUTICAL COMPANY LIMITED, TAKEDA PHARMACEUTICALS NORTH AMERICA, INC., TAKEDA PHARMACEUTICALS LLC, TAKEDA PHARMACEUTICALS AMERICA, INC., and ETHYPHARM, S.A.,

Plaintiffs,

v.

ZYDUS PHARMACEUTICALS USA INC. and CADILA HEALTHCARE LIMITED

Defendants.

CIVIL ACTION NO:  
3:10-CV-01723-JAP-TJB

**DECLARATION OF  
VINCENT P. RAO IN SUPPORT  
OF DEFENDANTS'  
MEMORANDUM OF LAW IN  
OPPOSITION TO PLAINTIFFS'  
*MOTION IN LIMINE TO*  
**PRECLUDE EXPERT TESTIMONY  
BY JAMES MORRISON****

I, VINCENT P. RAO, declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that:

1. I am an associate with the law firm of Kelley Drye & Warren LLP (“Kelley Drye”), with offices at 200 Kimball Drive, Parsippany, New Jersey, counsel for defendant Zydus Pharmaceuticals USA, Inc. and Cadila Healthcare Limited (“Zydus”) in the above-captioned action. I submit this declaration in support of Zydus’s Opposition to Plaintiffs Motion *In Limine* to Preclude All Testimony and Evidence Relating to New and Untimely Disclosed Prior Art References.

2. Attached hereto as Exhibit A are true and correct Excerpts from the January 25, 2013 Amended Supplemental Expert Report of David E. Bugay.

3. Attached hereto as Exhibit B is a true and correct Excerpt from the transcript of the February 15, 2013 deposition of David E. Bugay.

4. Attached hereto as Exhibit C are true and correct Excerpts from the February 12, 2013 Rebuttal Expert Report of James C. Morrison.

5. Attached hereto as Exhibit D is a true and correct Excerpt from the transcript of the February 25, 2013 deposition of James C. Morrison.

I declare under penalty of perjury that the foregoing statements are true and correct and acknowledge that if they are willfully false I am subject to punishment under penalty of perjury.

Dated: March 6, 2013

/s Vincent P. Rao

Vincent P. Rao